



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,136	04/24/2001	Jeffrey Douglas Haggar	RSW920010029US1	6044

7590 07/14/2005  
Jerry W. Herndon  
IBM Corporation T81/503  
P.O. Box 12195  
Research Triangle Park, NC 27709

EXAMINER

JAROENCHONWANIT, BUNJOB

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/841,136

Applicant(s)

HAGGAR ET AL.

Examiner

Bunjoo Jaroenchonwanit

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is in response to the amendment filed 12/03/04, the amendment has been entered and considered. Examiner notes that all amendments are matters of form do not change scope of the claims. Claims 20-24 are added. Claims 1-24 are pending for examination. The rejections are as stated below.

2. The text of those sections of Title 35, U.S. Code § 102 and 103 not included in this action can be found in a prior Office Action.

3. Claims 1-3, 5-9 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hemmady et al (US 4,872,159, "Hemmady", hereinafter).

4. Claims 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hemmady (US 4,872,159, "Hemmady", hereinafter).

5. As to the amended claims 1, 5, 8 and 11, the claims were amended by deleting "improving data transfer" and adding "transferring data." The amendment altered breadth of the claims but does not negate implied admission that transferring data over virtual was a prior art. However, scope of the claim is changed from improving to transmission, *per se*. Since all limitations are remained, Hemmady has been applied for rejecting the claims 1-3, 5-9 and 11-19, in the previous Office Action, instead of reiterate the previous rejection *in toto*, the rejections and citations cited in the previous Office Action, which are applicable, are hereby incorporated by references. Examiner further, elaborates the rational of rejection, the elaboration could be found in the section responsive to applicant's argument, below.

6. In addition, as to amended claims 7, 14 and 17, added language "each outbound packing buffer onto the virtual network in a single transmission operation", in other words the claims

Art Unit: 2143

requires packing or concatenating data packet or frame for single transmission, (See Hemmady, Abstract, figure 4; teaching outbound buffer for buffering received data from multiple UIM, conc. 95 the concatenate the same destined packets together for single transmission. into virtual network, Col. 8, lines 4-32.)

7. Claims 4, 10, 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hemmady (US 4872159), in view of what was well known in the art.

8. Regarding claims 1,10 and 20-22, Hemmady discloses the invention substantially, as claimed, as described, in claims 1, 5, 8, 11, 14 and 17, but it is silent defining virtual network by a plurality of logical partitions with in a single computer. Official Notice is taken (see MPEP 2144.03) using logical partition to define virtual elements, e.g., device, computer, machine, was well known in the art at the time of the invention was made. Examiner further cited Morrison (US 5,854,903), which clearly stated the used of logical partition in memory of a device to define virtual network. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to recognize Hemmady implicitly describe the same or to incorporate the well-know concept as suggested by Morrison with Hemmady, if it has not been done so. Because, it would improve efficiency of network data transmission, as suggested in Hemmady.

9. Regarding claims 23-24, Hemmady discloses the invention substantially, as claimed, as described, in claims 1 and 5, but it is silent on having ISP of web hosting to provide virtual network to end users. Official Notice is taken (see MPEP 2144.03) virtual network provided by ISP was well known in the art at the time of the invention was made, examiner further cited Reberson (US 6,016,496), which clearly stated the same in the Background of the invention (Col. 1, lines 15-20), for evident this assertion. Thus, it would have been obvious to one of ordinary

Art Unit: 2143

skill in the art at the time of the invention was made to incorporate the well-know concept with Hemmady, or vice versa, because it would improve efficiency of network data transmission, as suggested in Hemmady.

10. Applicant's arguments filed on 3/12/04 have been fully considered but they are not deemed to be persuasive. In the remarks, applicant argued in substance that

a. As to claims , 1, 5, 8 and 11, Prior art failed to disclose virtual network.

To this point of contention, Examiner disagreed. Hemmady clearly taught a concept of data transmission, which directly related to transmitting data over virtual network (see Abstract, line 5 from the last; and throughout its specification, specially, Col. 63, lines 4-61).

b. Prior art failed to teach allocation outbound packing buffer(a) for each of plurality network addresses. To this point, examiner directed applicant to a plurality of FIFO, i.e., allocated buffer (see fig 4), for receiving packets from a plurality of UIM, which clearly inherent network addresses.

c. Prior art failed to teach transmitting each out bound packet buffer [sic data] onto virtual network in a single transmission operation (see abstract, fig. 4).

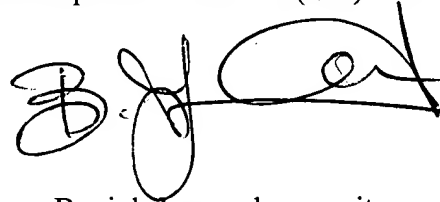
Applicant should note that although, there may be some fundamental differences between applicant invention as disclosed and Hemmady, However, the claims invention is that examiner must address.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2143

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (703) 305-9673. The examiner can normally be reached on 8:00-17:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.



Bunjob Jaroenchonwanit  
Examiner  
Art Unit 2141

/bj

7/11/2005